REMARKS

Applicants have carefully reviewed the Office Action dated April 5, 2007. Reconsideration and favorable action is respectfully requested.

Claims 1-11, 14-17, 19-24 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fortenberry* (U.S. Patent No. 6,005,939) in view of *Hartman* (U.S. Patent No. 5,960,411). This rejection is respectfully traversed in view of the currently presented claims.

In the prior Office Action, Claims 1, 4, 5, 6, 9, 10, 14, 15, 17-19, 22 and 23 had been rejected under 35 U.S.C. § 102(a) as being fully anticipated by *Hartman*. The *Fortenberry* reference had not been previously cited by the Examiner. Thus, the amendments to the claims by Applicants have resulted in the Examiner utilizing the *Fortenberry* reference in combination with *Hartman* to support a rejection of the above noted claims. Thus, discussion of the *Fortenberry* reference is warranted in some detail as to its applicability to the current claims.

The *Fortenberry* reference is directed toward the concept of facilitating access to an internet website. In the Background of the Invention section, *Fortenberry* described the technique for conducting business over a public computer network. The example that was utilized was a user making a purchase or conducting a transaction over the internet which required the user to make a purchase/transaction request followed by input of information such as user name, address, social security number, credit card number, etc. (Column 1, lines 13-22.) One problem that was noted by *Fortenberry* is with respect to the user having to re-enter the same information for multiple requests, as this could possibly lead to mistakes in entering the information. Fortenberry described the goal of the patent as follows:

> It would therefore be desirable to provide a technique for allowing a user to specify particular information once and have the information be used each time the user accesses any site on the public network. (Col. 1, lines 44-47)

As such, it can be seen that the primary goal of *Fortenberry* is to facilitate a user to pre-store information such as profile information, and have that information available such that each time the user accesses a site on the public network, this information can be reused without the requirement to re-enter the information during the purchase/transaction.

The Examiner initially started out on page 3 with a description of how the combination of *Fortenberry* and *Hartman* teach a method of processing profile information of a user for conducting an online transaction between the user and the vendor. The Examiner specifically cited column numbers and line numbers, but did not discuss whether these were column numbers and line numbers from *Fortenberry* or *Hartman*. Applicants believe that these citations are from *Fortenberry* and this response and the arguments herein assume such.

The Examiner first discussed that the claim language:

> entering profile information of a user into a profile form at a user location disposed on a network prior to conduction of an on-line transaction between the user and the vendor. . .

With respect to this portion of the claim language, the Examiner referred to the disclosure of *Fortenberry* (an assumption for the purpose of this response) beginning at column 7, line 39 and extending to line 45. This portion of the specification is set forth as follows:

> First, the user sends a request to generate a passport to passport agent 216, as illustrated by process step 400. The passport agent receives the request, as illustrated by process step 402, and opens a secure communication channel between the passport agent and the requesting user, as illustrated by process 404. (Col. 7, lines 39-45)

This portion of the *Fortenberry* specification is directed toward the user sending a request to a central location in order to create what is termed a "passport." The Examiner then addresses the next element of the claim, that element being as follows:

> issuing to the user a unique code representing stored profile information of the user in response to the user transmitting the profile form from the user location to a second location on the network for storage thereat. . .

The Examiner finds support for this element at column 7, lines 45-65. That portion of the specification in *Fortenberry* is as follows:

> Passport agent 216 then presents to the user a series of queries which may be in the form of menus, as illustrated by process block 406. In response, the user enters the requested information such as social security number, drivers license number, etc., and a corresponding level of security to protect the information item, as illustrated by process blocks 408 and 410. The user specified information is referred to herein as user information or environmental variables. The security levels assigned to each item of user information or environment variables range from highly secure to public. For example, particularly sensitive information may be designated as highly secured and assigned a high security level of 100 on an exemplary scale of 0-100 levels. Less sensitive information may be designated as less secured or even public and assigned a lower security level approaching or equal to zero. Next, passport agent 216 provides a public key to the user to access the passport data, as illustrated by process 418. Finally, the user's information which collectively comprises the Internet passport is stored and maintained in a highly secured server site on the Internet which serves as the passport agent and guarantees the integrity of the users passport, as illustrated by process block 420. (Col. 7, lines 45-65)

In this portion of the *Fortenberry* specification, the series of queries that are provided to the user allow the user to input the various information. In addition, the specification sets forth that "next, passport agent 216 provides a public key to the user to access the passport data. . . " (Column 7, lines 60-61.) However, there is nothing in *Fortenberry* that states that any profile form is filled out and transmitted from the user location to a second location on the network. The claim clearly states that the unique code is issued to the user and this code "represents" the stored profile information of the user and this issuing step is done in response to the user

transmitting the profile form from the user location to the second location. All that *Fortenberry* discloses is the generation of a security key in the form of a public key to the user that the user may utilize later when allowing a vendor to access profile information. Thus, although the public key is unique, the *Fortenberry* reference certainly does not disclose that a profile form is filled out at a user location and then transmitted to a second location. Clearly, there are a plurality of queries that are answered such that the form is actually filled out back at a server location, that location being the location that generates the public key.

The next portion of the claim that the Examiner discussed and which is relevant to this discussion is as follows:

> after selecting the product, providing to the vendor location by the user the unique code for purchase of the product, during the on-line transaction. . .

The Examiner relies upon the portion of *Fortenberry* set forth at column 8, lines 31-33 which states that "next, the user provides a public key to the vendor, as illustrated in process block 504. The public key was previously provided to the user by passport agent 216." The Examiner then discusses the section of the claim set forth as follows:

> providing the stored profile information from the second location to the vendor location in response to the vendor location receiving and processing the unique code. . .

The Examiner merely states that this is all disclosed in column 8. However, the best description of the process flow in *Fortenberry* is that disclosed with respect to Fig. 2b. That portion of the specification associated therewith is described beginning at column 6, line 15 and extending to line 46. That portion of the specification is set forth as follows:

> Referring now to FIG. 2B, in general overview, the passport system operates in the following manner. User 208 who wishes to conduct a transaction at web site 210 requests that passport agent 216 release specific user information to web site 210. The request is made as an encrypted message to passport agent 216. Passport

> agent 216 has previously been provided a key with which to decrypt the encrypted message from user 208. Passport agent 216 decrypts the request from user 208 to determine, inter alia, the particular web site to which a passport of the user 208 should be sent.
>
> Passport agent 216 then provides encrypted data to the particular web site here denoted as web site 210. User 208 has previously provided to web site 210 a public key with which web site 210 can decode the encrypted data provided by passport agent 216.
>
> The web site 210 receives the encrypted user information (i.e. the passport) from passport agent 216 and unlocks the message using the public key provided by the user 208. If the web site 210 is unable to unlock any of the environment variables in the passport, the request is ignored, as explained hereinafter.
>
> It should be noted that user 208 can provide to web site 210 one of several public keys which allow web site 210 to unlock data having one of several security levels. For example, user 208 may have a first key which unlocks confidential user information in the user passport, a second key which unlocks secret user information in the user passport and a third key which unlocks top secret user information in the user passport. Thus, to unlock all the data in the passport, user 208 would have to provide to web site 210 all three keys. (Col. 6, lines 15-46)

To review the process of *Fortenberry*, in this embodiment, when a user desires to conduct commerce with a particular website, the website (210), the user sends a request to the passport agent (216) to release specific user information thereto. This request is made as an encrypted message which requires the public key. The passport agent then provides the encrypted key to the designated website (210) and, since the user had previously provided to the website (210) a public key, the website (210) can decode the encrypted data provided by passport agent. Therefore, the user must do two things; first, the user must send the public key to the designated website and then the user must request the passport agent to release the profile information of the user to the website. Since the website will then have the public key, it can read the data provided thereto by the passport agent.

With respect to this particular embodiment, there are some differences between the claim language and the operation as disclosed by *Fortenberry*. First, the profile information is not entered into a profile form at a user location disposed on the network and, thereafter, forwarded to the second location which, in response thereto, results in the transmission to the user of a unique code. The profile information is entered directly into the website of the passport agent and, after entry of the information, a unique code in the form of a public key is then forwarded to the user. There are no steps specifically set forth in *Fortenberry* that an on-line transaction is initiated by "selecting" a product of a vendor at a user location; rather, what is done is that a user requests a transaction with a particular vendor (column 8, lines 29-30), with no disclosure of the selection of any product. The description of Fig. 5, beginning at column 8, line 24, discloses that, after a transaction is requested, the next step is to provide a public key to the vendor. The user then requests the passport agent to send the user's passport to the vendor and there is no step of selecting the product. Further, the claim requires that the stored profile information be provided from the second location to the vendor location "in response to" the vendor location receiving and processing the code. There is no requirement to process the code by the vendor in order for the vendor location to receive the stored profile information. Rather, the user must go outside and actually take some action to cause the location at which the stored profile information is stored to send this information to the vendor. The public key is only utilized to read the information once it is received. Therefore, the portion of the claim that states "in response to" with respect to the step of providing cannot be met by *Fortenberry*. In fact, *Fortenberry* takes a completely different approach in that they specifically require the user to go out and make a specific request to the passport agent to send the information to the particular website of the vendor.

The Examiner indicated that *Fortenberry* taught the operation of passing information from a third party to a vendor to process a transaction after receiving a unique identifier authorizing the release of sensitive information to the vendor. However, the claim requires more. The claim requires that the profile information be entered into a form at the user location and then, in response to transmitting the form to the second location, issuing to the user a unique code and this unique code represents the stored profile information of the user. *Fortenberry* does

not disclose issuing this code after transmitting the form from the user location to the second location. There is no step of initiating an online transaction by selecting a product of the vendor at the user location; rather, all that is disclosed is to initiate a request for a transaction. There is no discussion as to how the transaction occurs after this. Clearly, there is no step of "after selecting the product, providing to the vendor location by the user the unique code for purchase of the product" as set forth in the claim that occurs during the on-line transaction. Further, this on-line transaction does not require the user to view a vendor payment form as set forth in the claim. Since *Fortenberry* clearly requires that the public key is provided to the vendor after a request for transaction and not after selecting the product to be purchased. *Fortenberry* is concerned with identifying the user prior to going forward with the transaction as compared to Applicants claim which utilizes the information, i.e., the stored profile information, for completing the transaction. Further, the claim requires that the stored profile information be provided to the vendor "in response to the vendor location receiving and processing the unique code." There is no suggestion or teaching in *Fortenberry* that would lead one skilled in the art to change the operation wherein the user in *Fortenberry* sends a public key to the vendor and then sends a request to the passport agent to send the passport to the vendor to allow a previously requested transaction to go forward. The claim clearly requires that the stored profile information is a function of the vendor location receiving and processing the unique code. The vendor location will not even utilize the unique code until it receives the profile information. Therefore, the profile information has to be received before the unique code is even used. This portion of the claim is clearly not met by *Fortenberry*.

The Examiner has stated that the deficiency in *Fortenberry* was that it did not specifically mention inserting released information into a form automatically before submittal to a user. The Examiner relies upon the *Hartman* reference to support this portion of the rejection. This portion was described in the previous response beginning at the bottom of page 14 and extending to the top of page 15. This portion is set forth as follows:

> In the last step, at least a portion of the stored profile information is inserted into the vendor payment form in respective fields. The

only place that there is any remote suggestion of such an action is with respect to the original form that was sent to the user, as set forth in Figure 1A. In this section, section (103), there is provided a button for the transaction and, in addition thereto, other information such as address information, links to express ordering, etc. Of the information, the only information that is noted is the name of the user in position (103b). However, the requirement of this step is that, when the user receives the form (noting that this is not a payment form but, rather, an information page) for viewing after insertion, there is a requirement that this insertion follow the steps of selecting a product and then forwarding a unique code to the server for the purpose of initiating the on-line transaction, i.e., purchasing the product, and then a form sent back to the user already filled in. The information is inserted into the web page with the description of the product in *Hartman* prior to the user deciding to select that particular product. In Applicant's present method, the present inventive concept, as defined by the amended claims, requires the selection to have already been made, and the providing of the unique code is performed during the on-line transaction.

In view of the above arguments, Applicants believe that the Examiner's rejection of Claims 1-11, 14-17, 19-24 and 27 in view of the combination of *Fortenberry* and *Hartman* does not disclose, nor suggest all of the elements of the claims and the steps therein. As such, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) with respect to Claims 1-11, 14-17, 19-24 and 27 in view of these two references.

Claims 12 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fortenberry* in view of *Hartman* and further in view of *Rhoads*. This rejection is respectfully traversed.

Claims 12 and 25 depend from claims 1 and 14, as described herein above. The addition of *Rhoads* does not cure the deficiencies noted herein above with respect to the combination of *Fortenberry* and *Hartman*. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of Claims 12 and 25.

Claims 13, 18, 26, 28 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fortenberry* in view of *Hartman* and further in view of *Rhoads*. This rejection is respectfully traversed.

Claims 13, 18, 26, 28 and 29 depend from Claims 1 or 14 and the addition of *Rhoads* does not cure the deficiencies noted herein above with respect to the rejection thereof. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of Claims 13, 18, 26, 28 and 29.

The Examiner has indicated that the arguments over *Hartman* were moot in view of the new grounds of rejection. However, Applicant notes that the Examiner has not commented on the detailed analysis of *Hartman* in Applicants' previous Response with respect to the various elements of the claims. The Examiner's statement that "it would have been obvious to a person having ordinary skill in the art at the time of the invention to include in *Fortenberry* the confirmation page of *Hartman*, because this was a notoriously well known means for presenting a final order summary that assures the user that the vendor has the order correct" ignores all of the limitations and the order of steps which were set forth in the prior Response filed by Applicants. Clearly, the discussion of *Hartman* set forth that one of the deficiencies therein was the fact that the webpage presented to the user was presented upon the user's physical device accessing the vendor's location such that a "cookie" could be interfaced with. This identifies the user to the vendor site and information at that vendor's site is then utilized to provide a web page back to a user. However, this information is set at the time of access and not after ordering a product or after sending the unique code thereto. Thus, the steps require that, before the filled in form is sent to the user, that there be a product selected, a unique code sent thereafter and this unique code utilized to complete the transaction. In the *Hartman* reference, certain identifying information is placed into the form and then the user populates the form by selecting items after presentation of the form. In *Hartman*, the user need not see all of the information in the form in order to complete the order. For example, the order form in Fig. 1c provides information as to what has already been ordered, i.e., after the completion of the transaction. Therefore, the web page provided to the user is that associated with an order already placed and the purchase

completed. The only information provided to the user before the single-action operation is that associated with the purchaser such that the purchaser can verify that the service system correctly recognizes the purchaser. (*Hartman*, column 4, lines 37-40.) However, this information is not utilized for the purpose of providing to the user a filled in form. In fact, the *Hartman* reference teaches away from providing the user a filled in form; rather, *Hartman* teaches the use of a single-action operation wherein the complete transaction is made without providing to the user a form. The only form is that in Fig. 1c which is provided to the user "after" the transaction has been completed. This is contrary to the purpose of Applicants present inventive concept, which is to provide to the user a filled in form that the user can view "prior to completion of the on-line transaction."

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,732 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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